

California Victim Compensation and Government Claims Board

Open Meeting Minutes

December 17, 2004

The California Victim Compensation and Government Claims Board convened its regular session at the call of Fred Aguiar, Secretary, State and Consumer Services, at the State Personnel Board Auditorium, 801 Capitol Mall, Sacramento, California, on Friday, December 17, 2004, at 10:00 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Judith A. Kopec, Chief Counsel; Christina M. Aceituno, Manager, Government Claims Program, and Missy Carrick, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

MINUTES

The Board voted to adopt the minutes of the November 19, 2004 Board meeting.

EXECUTIVE OFFICER'S STATEMENT

The Executive Officer reported on the following:

The Board's collaboration with the California Department of Corrections and the Franchise Tax Board (FTB) Court-Ordered Debt Collection Program has successfully completed its first year this month. The FTB has collected more than \$2.2 million in outstanding restitution fine debt from discharged parolees since the program started in January 2004.

The Victim Compensation Program began piloting a centralized data entry unit, known as the Application Review Team (ART), on November 22. The ART uses data entry screens simulating the new automated claims processing system, which is in development.

In early November, Executive Officer Karen McGagin met with Scott Frizzie, Deputy Director of the Criminal Justice Programs Division at the Office of Emergency Services, to discuss issues that affect both departments' victims' programs. At the meeting, they agreed that regular meetings between the two agencies would be helpful to keep informed of developments affecting victims' programs. As a result, a working group has been formed and an initial meeting was held on December 2. It is hoped that these meetings will facilitate collaboration between the two departments to better serve victims and coordinate programs.

Mandated by SB 940, Statutes of 2003, the Judicial Council's Collaborative Court-County Working Group on Enhanced Collections (Working Group) began meeting in November 2003. Chief Justice Ronald George appointed the members, including Board staff from the Revenue Recovery and Accounting Division.

During the last legislative session, the Legislature questioned the cost effectiveness of the Board's Criminal Restitution Compact (CRC) contracts. In response to a request from the Senate Budget Committee, the Board undertook a pilot study to determine whether there is a cost-benefit

for the Board to fund restitution specialist positions through the CRCs to obtain restitution orders on behalf of the Board. In October 2004, Board staff surveyed criminal disposition data in five CRC counties and five non-CRC counties to obtain restitution imposition statistics. The data obtained through the on-site surveys overwhelmingly supports the effectiveness of the CRCs in obtaining restitution orders for the Board.

Dennis Boydston, Deputy Executive Officer of the Revenue Recovery and Appeals Division and Laura Hill, Manager of the Revenue Recovery and Appeals Division, reviewed the highlights of the pilot study on the Comparison of Restitution Orders and Fines Imposed in Five Criminal Restitution Compact Counties and Five Non-Compact Counties.

PRESENTATION

The Board Chair presented Maria Keller with a certificate for 36 years of state service at the Victim Compensation and Government Claims Board.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:20 a.m.

Item 1 The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following changes:

Item 2 **Claimant: Doris Cutler** **G529067**

The claimant requested this claim to be continued.

Item 6 **Claimant: Alan D. Schaller** **G530622**

Staff recommended revising the decision from partial allow to allow in the amount of \$1,828.03.

Item 63 **Claimant: Western Interstate Commission** **G542505**

The claimant requested this claim to be continued for staff review of additional documentation.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed		Late Claims	
			Paid via Gov. Code §965	Paid via Claims Bill	Denied	Granted
429	271	109	12	97	45	4

Item 2 **CLAIMANT: Rand Corporation** **G546962**

Irina Nemirovsky, Research Program Specialist, and Janice Yapdiangco, Analyst, appeared on behalf of the Department of Industrial Relations Commission on Health and Safety and Workers' Compensation.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$156,677.74 pursuant to Government Code section 965.

Item 3 **CLAIMANT: Sewer Rat Plumbing** **G544551**

Dee Dee Andris, Policy Analyst, Division of Procurement and Contracts, appeared on behalf of the California Department of Transportation.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$52,000.00 pursuant to Government Code section 965.

Item 4 **CLAIMANT: Los Rios Community College** **G546289**

Guy Blair, Administration Manager, Office of State Publishing, appeared on behalf of the Department of General Services.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$50,975.44 pursuant to Government Code section 965.

Item 5 **CLAIMANTS: Wackenhut Corrections Corporation** **G534676**
Alternative Programs, Inc. **G535008**
MTC Eagle Mountain Community **G534288**
Cornell Corrections **G535231**

Sue Tobik, Correctional Administrator, and Mike Enos, Support Services, appeared on behalf of the Department of Corrections.

The Board voted to adopt the staff recommendation to allow the four claims totaling \$406,116.00 pursuant to Government Code section 965. The item was adopted with the stipulation that the Department of Corrections has the appropriation to pay the claims.

Item 6 **CLAIMANT: Alex Sanchez** **G539240**

Mary Lynn Fisher, Assistant Division Chief, Benefit Services Division, appeared on behalf of the California Public Employee's Retirement System.

The Board voted to adopt the staff recommendation to reject the claim in the amount of \$20,978.54. Ms. Scott abstained.

Item 7 **CLAIMANT: Antoine Maurice Goff** **G541855**
CLAIMANT: John T. Tennison **G542416**

Diana Samuelson, Attorney, Law Offices of Serra, Lichter, Daar, Bustamante, Gilg & Greenberger, appeared on behalf of Antoine Maurice Goff.

Elliot R. Peters, Attorney, Kecker & Van Nest, and Ethan A. Balogh, Attorney, Kecker & Van Nest, appeared on behalf of John T. Tennison.

Deputy Attorney General Michael Ferrell and Deputy Attorney General David Eldridge appeared on behalf of the Attorney General's Office.

After discussion, the Board voted to adopt the proposed decision to deny the claims pursuant to Penal Code section 4900 et seq.

Item 8 Judith A. Kopec, Chief Counsel, presented the "Proposed Decision by a Hearing Officer for Invitation for Bid (IFB) No. 52939 by Elbanna Factory Distributors, Inc."

The Board voted to adopt the hearing officer's proposed decision to deny the protest.

Item 9 Judith Kopec, Chief Counsel, presented the "Dismissal Without Further Hearing of the Protest of Visara International, Inc. and MMG Technology Group Request for Quotation No. 53723."

Cynthia Thomas, Lexmark International, manufacturer representative, expressed her concern regarding the bid process and the inability to submit a bid.

After discussion, the Board voted to adopt the staff recommendation to dismiss the protest without further hearing.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 11:17 a.m.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 11, deny requests for reconsideration for agenda item numbers 12 through 21 and 23 through 51, remand item 22 to staff for further analysis and deny requests for reconsideration after Board action on a proposed decision for agenda item numbers 52 and 53.

12 CLAIMANT	623980V
13 CLAIMANT	636220V
14 CLAIMANT	672373V
15 CLAIMANT	705837V
16 CLAIMANT	729449V
17 CLAIMANT	731306V
18 CLAIMANT	733057V
19 CLAIMANT	736319V
20 CLAIMANT	741358V
21 CLAIMANT	743969V
22 CLAIMANT	745056V
The Board voted to remand this claim to staff for further analysis.	
23 CLAIMANT	757754V
24 CLAIMANT	760561V
25 CLAIMANT	768927V
26 CLAIMANT	780850V
27 CLAIMANT	781443V
28 CLAIMANT	783526V
29 CLAIMANT	783607V
30 CLAIMANT	789704V
31 CLAIMANT	790551V
32 CLAIMANT	791406V
33 CLAIMANT	793105V
34 CLAIMANT	793740V
35 CLAIMANT	800042V
36 CLAIMANT	801103V
37 CLAIMANT	802335V
38 CLAIMANT	804070V
39 CLAIMANT	805738V
40 CLAIMANT	807663V
41 CLAIMANT	808082V
42 CLAIMANT	809043V
43 CLAIMANT	815445V
44 CLAIMANT	816279V
45 CLAIMANT	817340V

46 CLAIMANT	819250V
47 CLAIMANT	820014V
48 CLAIMANT	820360V
49 CLAIMANT	822515V
50 CLAIMANT	823877V
51 CLAIMANT	828673V
52 CLAIMANT	761474V
53 CLAIMANT	722532V

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 54 through 88.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3) and 11126(e)(1))

Pursuant to Government Code sections 11126(c)(3), and 11126(e)(1) the Board adjourned into a closed Executive Session with the Board's Executive Officer and Chief Counsel at 11:20 a.m., to discuss pending litigation and deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into open session at 11:23 a.m.

PROPOSED DECISIONS

Item 89	CLAIMANT	008405V
	The Board voted to adopt the proposed decision.	
Item 90	CLAIMANT	459411V
	The Board voted to adopt the proposed decision.	
Item 91	CLAIMANT	517633V
	The Board voted to adopt the proposed decision.	
Item 92	CLAIMANT	677573V
	The Board voted to adopt the proposed decision.	
Item 93	CLAIMANT	715083V
	The Board voted to adopt the proposed decision.	
Item 94	CLAIMANT	717698V
	The Board voted to adopt the proposed decision.	
Item 95	CLAIMANT	738447V
	The Board voted to adopt the proposed decision.	
Item 96	CLAIMANT	753388V
	The Board voted to adopt the proposed decision.	
Item 97	CLAIMANT	761137V
	The Board voted to adopt the proposed decision.	
Item 98	CLAIMANT	770496V
	The Board voted to adopt the proposed decision.	
Item 99	CLAIMANT	773541V
	The Board voted to adopt the proposed decision.	
Item 100	CLAIMANT	775006V
	The Board voted to adopt the proposed decision.	
Item 101	CLAIMANT	781038V
	The Board voted to adopt the proposed decision.	

Item 102 CLAIMANT 781510V

The Board voted to adopt the proposed decision.

Item 103 CLAIMANT 793804V

The Board voted to adopt the proposed decision.

Item 104 CLAIMANT 813069V

The Board voted to adopt the proposed decision.

ADJOURNMENT

The meeting was adjourned at 11:24 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____

Missy Carrick
Board Liaison

(Affix seal here)